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Please respond to New Jersey address

October 13, 2023

VIA CM/ECF

The Honorable Katherine Polk Failla
United States District Court, S.D.N.Y.
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

**Re: Catalyst Advisors, L.P. v. Catalyst Advisors Investors Global, Inc., et al.
Civil Action No. 1:21-cv-04855-KPF**

Dear Judge Failla:

We respectfully write on behalf of Plaintiff Catalyst Advisors, L.P. (“Catalyst” or “Plaintiff”) with respect to the above-referenced matter.

Pursuant to the Court’s text order dated June 27, 2023, we write regarding the filing of our Opposition to Defendants’ Motion for Summary Judgment, to seek leave to file certain exhibits thereto under seal. Specifically, Plaintiff seeks to file Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 10, Exhibit 14, Exhibit 15, and Exhibit 16 to the Declaration of Howard A. Matalon, Esq., submitted in support of Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment and Motion to Preclude the Testimony of Alyson Archer, Kalman Barson, and Tino Kyprianou, under seal pursuant to Federal Rule of Civil Procedure 5.2, this Court’s Individual Rules, and the Protective Order entered into on December 22, 2022 (ECF # 40).

We are concurrently filing the opposition papers, as directed, with the referenced exhibits excluded per Your Honor’s Individual Rules. Plaintiff and/or Defendants have either marked Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 10, Exhibit 14, Exhibit 15, and Exhibit 16 as “Confidential” and/or “Attorney’s Eyes Only” pursuant to the Protective Order or they contain information from other documents or communications marked “Confidential” and/or “Attorney’s Eyes Only.” Specifically, these exhibits contain confidential/proprietary information and public dissemination of same may cause business, commercial, or financial harm to Catalyst if publicly filed.

Accordingly, Plaintiff respectfully request that Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 10, Exhibit 14, Exhibit 15, and Exhibit 16 be filed under seal.

{GFM-01830720.DOCX-}

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As always, if Your Honor has any questions or concerns, please feel free to have a member of Your staff contact the undersigned as necessary. We thank Your Honor for Your consideration.

Respectfully submitted,

/s/ Howard A. Matalon
HOWARD A. MATALON

cc: *Counsel for All parties* (via CM/ECF)

Application GRANTED. Plaintiff may file Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 10, Exhibit 14, Exhibit 15, and Exhibit 16 under seal, viewable to the Court and the parties only.

The Clerk of Court is directed to terminate the pending motion at docket number 94.

Dated: October 16, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE